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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

DEL MAR SEAFOODS, INC. ) Case No.: CV 07-02952 WHA  
Plaintiff, )  
vs. )  
BARRY COHEN, CHRIS COHEN (aka )  
CHRISTENE COHEN), *in personam* and )  
F/V POINT LOMA, Official Number )  
515298, a 1968 steel-hulled, 126-gross ton, )  
70.8- foot long fishing vessel, her engines, )  
tackle, furniture, apparel, etc., *in rem*, and )  
Does 1-10, )  
Defendants. )  
IN ADMIRALTY  
AFFIDAVIT OF SUBSTITUTE  
CUSTODIAN WILLIAM BODLE

I, William Bodle, am the owner and operator of SugarDock, and declare that:

21       1. I am familiar with the F/V POINT LOMA (Official No. 515298) (the  
22 "Vessel"), the Defendant Vessel in this action, at least to the extent of her size, type,  
23 construction material, location in the District, and apparent condition, and attest that  
24 SugarDock can provide adequate facilities and supervision to safely store and maintain the  
25 Vessel within the District in place of the current Substitute Custodian, National Maritime  
26 Services, during the pendency of this action and until further order of the Court; and, in this  
27 regard, SugarDock would exercise due care to preserve and protect the Vessel during the  
28 custodianship.

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DelMarSeafoods/2504

1           2. SugarDock is located in Point Richmond within the San Francisco Bay Area,  
 2 approximately 10 miles (by sea) from the current location of the Vessel at the Hyde Street  
 3 piers in San Francisco. A map showing the location of SugarDock is attached as **Exhibit A**.  
 4 SugarDock is a secure facility with no public access. Information from SugarDock's website  
 5 is attached as **Exhibit B**.

6           3. SugarDock has previous experience serving as a professional substitute  
 7 custodian for arrested vessels, including commercial fishing vessels such as the F/V POINT  
 8 LOMA. SugarDock has been continuously in operation for over 6 years, and has a good  
 9 reputation throughout the maritime industry in the Bay as a competent and experienced  
 10 docking facility.

11          4. As the appointed Substitute Custodian of the Vessel, SugarDock will:  
 12           a. Assume the Substitute Custodianship of the Vessel from the National  
 13              Maritime Services, Inc.;  
 14           b. Be responsible for the safekeeping of the Vessel during the pendency of  
 15              this action; and  
 16           c. Comply with all Orders of this Court regarding the Vessel and the  
 17              Substitute Custodianship of the Vessel.

18          5. The daily storage charges for SugarDock to keep the Vessel safe and afloat  
 19 will be \$1.00 per day per foot of overall length.

20          6. SugarDock has assets and insurance adequate to respond to damage for loss  
 21 of, or injury to, the Vessel during custody and for damages sustained by third parties due to  
 22 any negligence of SugarDock or its employees or agents during custody. SugarDock will  
 23 hold harmless and indemnify the United States and the U. S. Marshal's Service from any  
 24 claims against either of them arising out of the negligent performance of any duties it  
 25 undertakes as Substitute Custodian.

26          7. Further, SugarDock agrees to accept Substitute Custodianship of the Vessel  
 27 in accordance with the Order Appointing Substitute Custodian.  
 28

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From: 510+2324282 Page: 4/4 Date: 6/13/2007 9:52:36 AM

FROM : SUGARDOCK & ALBION MARINE

FAX NO. :510-2324282

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FROM COX, WOOTTON, GRIFFIN, HANSEN & POUJOLE, LLP (WED) 6-13-07 9:29:51 9:27/NO. 4851695452 P 4

8. All costs and expenses incidental to the keeping of the Vessel will be paid initially by Plaintiff DEL MAR. The U.S. Marshal will not assume liability for any costs incurred incidental to a Court-appointed custodianship.

I declare under penalty of perjury, under the laws of the United States that the foregoing is true and correct, and that this Declaration was executed on June 13, 2007 at Point Richmond.

Q. a. Bodle  
A. William Bodle

1.0% VARIOCES,  
1.0% D. HANDBK  
& POSSIBLES LDF

THE AMERICAN  
ANTI-SLAVERY  
SOCIETY  
THE ANTI-SLAVERY  
SOCIETY

SCHNEIDER

**EXHIBIT A**

# MAPQUEST

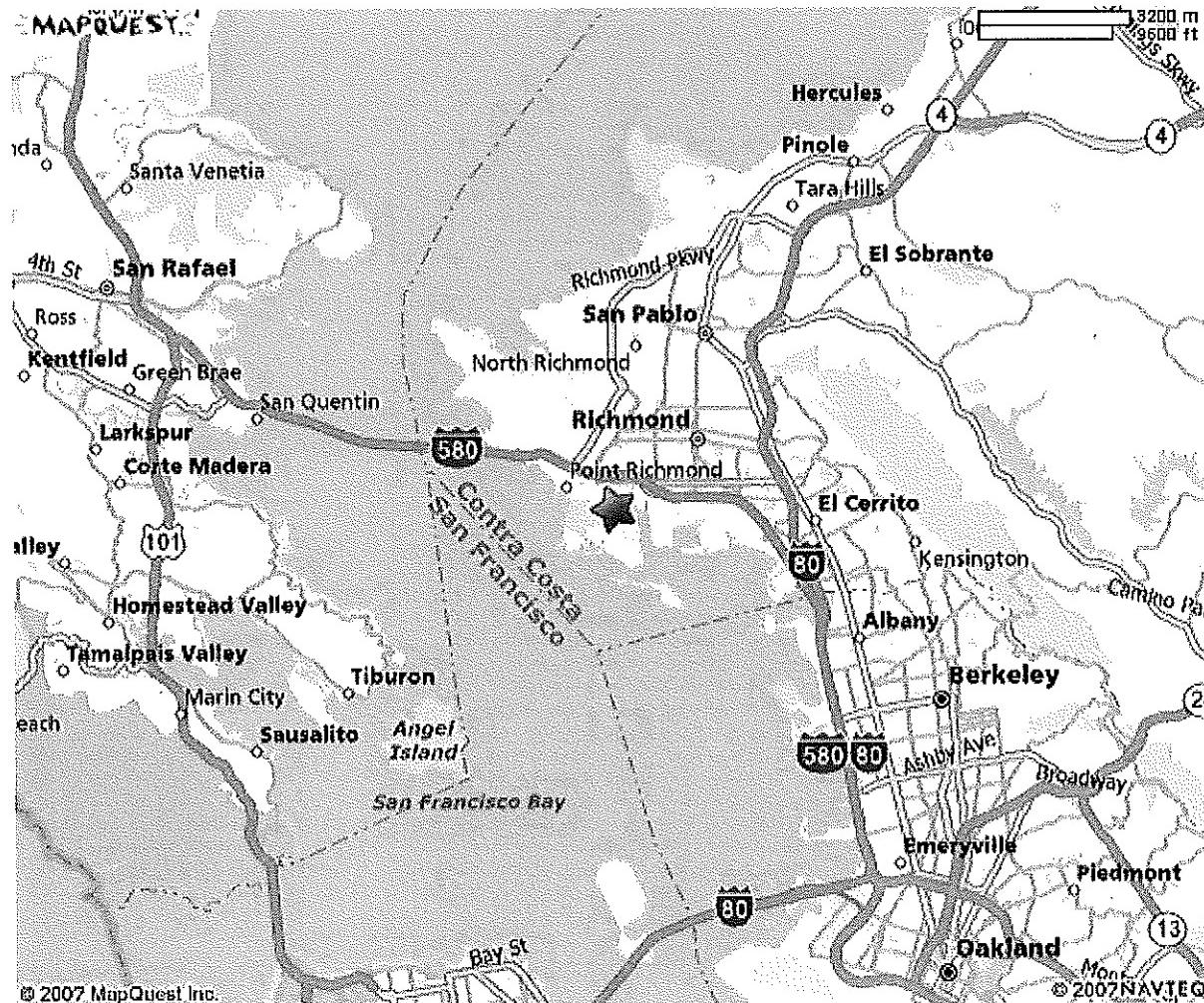
800 Wharf St  
Richmond CA  
94804-3558 US

**Notes:**

Only text visible within note field will print.

**LIMITED TIME WEEKLY AND WEEKEND DEALS**

COMPACT	MIDSIZE	FULL SIZE
\$28.99 Wknd Day	\$31.99 Wknd Day	\$34.99 Wknd Day
PREMIUM	MINIVAN	STD. SUV
\$149.99 Per Week	\$219.99 Per Week	\$229.99 Per Week
\$36.99 Wknd Day	\$42.99 Wknd Day	\$42.99 Wknd Day
\$239.99 Per Week	\$259.99 Per Week	\$259.99 Per Week

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This map is informational only. No representation is made or warranty given as to its content. User assumes all risk of use. MapQuest and its suppliers assume no responsibility for any loss or delay resulting from such use.

## **EXHIBIT B**

# SUGARDOCK



[Home Page](#)

Deep water dockage

[Facilities](#)

SugarDock is a uniquely configured full service deep water dock in Point Richmond on the San Francisco Bay.



[Amenities](#)

We offer the convenience of fueling, provisioning, watering and repairing alongside a new concrete apron. We are fortunate to have a railhead at our dock, so you can transport very large and heavy items right to your vessel.

Additionally, many technical and mechanical vendors are nearby as well as a number of fine food and wine purveyors for reprovisioning.

Keep in mind San Francisco and the Napa Valley are so close; they are yours to enjoy and explore!

# Facilities

**A dock designed by experience!**

- Deep Water Dockage on the protected waters of the Richmond Inner Harbor.
- 760 linear feet of improved shoreline, 34 ft. of water depth and 45 ft. wide concrete apron.
- Vehicular parking adjacent to 4 ft. wide aluminum gangways leading directly to new, large vessel floating docks.



**Home Page**

- Metered Electrical Service includes single phase and 3 phase, any voltage from 120v to 500v at 200 amps.

**Facilities**

- Direct sewer hook-up.
- 2" potable water lines at 90 psi. 6" Fire Main.

**Amenities**

- New bathrooms and showers.
- 40 ton walking hydraulic crane with 140 ft. reach on site as well as forklifts.
- Security.
- Multiple phone lines available.
- Storage and work shops available on site.
- Berthing for vessels from 50 ft. to 350 ft.

